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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,532	10/29/2001	Hayato Kimura	01645/LH	9190
1933	7590	09/08/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			SONG, HOON K	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/005,532	KIMURA ET AL.
	Examiner Hoon Song	Art Unit 2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 3 and 4 is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 October 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities: .

In claim 2 on line 6, "said laser beam source" lacks proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain et al. (US 5964391).

Regarding claim 1, Cain teaches a photo-sensor device comprising:

A plurality of fiber bundles, each fiber bundle comprising a light-fiber (124) to apply an inspection light to a subject to be inspected, and a light receiving fiber (122) to receive a reflected light from the subject (S) to be inspected;

At least one light beam source (174) to emit the inspection light to the light applying fiber (124) of each of the fiber bundles;

At least one photo-sensor (178) to receive the reflected light via the light receiving fiber (122) of each of the fiber bundles; and

A casing (figure 3).

wherein each of the fiber bundles is provided separately (figure 3).

However Cain fails to teach an objective optical system provided at a front end of each of the fiber bundles.

Willits teach an objective optical system provided at a front end of a fiber bundle (figure 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fiber bundle of Cain with the objective as taught by Willits, since the objective of Willits would provide focused beam so that resolution of the system would be increased and also it would prevent any light interference from adjacent fiber bundles.

Regarding claim 2, Cain teaches the photo-sensor device comprises fiber arrays (figure 3) obtained by disposing plural channels (plural fiber bundles) of sensor units in the casing, and wherein each of the sensor units as one channel comprises one of the fiber bundles, one said light beam source (174) connected to each said light applying fiber of the fiber bundles, and one said photo-sensor (178) connected to each said light receiving fiber of the fiber bundles (figure 3 and 5).

Allowable Subject Matter

Claims 3-4 are allowed over prior art.

None of the prior art teaches or suggests a disk inspection apparatus having a transfer means for reciprocally transferring a photo-sensor body in a direction perpendicular to a rotating direction of the disk along the surface of the disk and the photo-sensor body comprising a fiber array constructed by arranging a plurality of separate sensor units as multi-channels and each of the sensor units having a light

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applying fiber, a light-receiving fiber which is bundled with the light applying fiber to form a fiber bundle and an objective optical system provided at a front end of the fiber bundle as claimed in independent claim 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKS 8/17/04
HKS

Craig E. Church

**Craig E. Church
Primary Examiner**